

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In the matter of: : **Chapter 11**
Palm Springs II, LLC, : **Case No. 20-31972-sgj11**
Debtor. :

HODGES WARD ELLIOTT, LLC'S OBJECTIONS TO SUBPOENA

Pursuant to Rule 45(d)(2)(B) of the Federal Rules of Civil Procedure, Hodges Ward Elliott, LLC (“HWE”), by and through its undersigned counsel, hereby objects to the Subpoena dated September 15, 2020 (“Subpoena”), as follows.

1. HWE objects to the Subpoena, and each of the requests and subjects in it, on the grounds the Subpoena improperly seeks HWE to reveal information that is confidential to HWE and other persons and/or entities that have not authorized HWE to reveal such information.

2. HWE objects to the Subpoena, and each of the Requests in it, on the grounds the Subpoena imposes unreasonable and undue burden and expense on HWE, a non-party to the above litigation, and fails to comply with the requirement in Fed. R. Civ. P. 45(d)(1) that a party serving a subpoena must take reasonable steps to avoid such burden and expense. In support of this objection, HWE notes that the

Subpoena purports to impose an obligation upon HWE to search for documents in nine separate categories and testify about five broad categories of subject matter.

3. HWE objects that the subjects for testimony are so vague and broad as to make it difficult, if not impossible, for HWE to prepare for such testimony. Similarly, the document requests are overly broad and vague, such that HWE cannot reasonably ascertain the documents that should be produced.

4. HWE objects to the Subpoena, and each of the requests and subjects for testimony in it, on the ground, and to the extent, it seeks testimony and the production of documents and information that are not reasonably related to any of the issues in the above-captioned matter, and are otherwise beyond the scope of discovery as provided in Fed. R. Civ. P. 26.

5. HWE reserves the right to make any other and further objections to the Subpoena as may be permitted pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, or any other applicable provision. Citations or references to particular definitions, instructions, rules of construction, or requests do not constitute a waiver of any and all objections HWE has, or may interpose in the future, to any definitions, instructions, rules of construction and/or requests not cited herein.

Given these objections, and pursuant to Fed. R. Civ. P. 45(d)(2)(B), the production of documents and the deposition shall not proceed until the issues are resolved by agreement among the parties or the Court issues an Order.

Respectfully submitted,

CUSHING, MORRIS, ARMBRUSTER
& MONTGOMERY LLP

/s/ Derek S. Littlefield

DEREK S. LITTLEFIELD

Georgia Bar No. 141569

Kirk M. McAlpin, Jr.

Georgia Bar No. 480525

191 Peachtree Street, Suite 4500

Atlanta, Georgia 30303

Phone: (404) 521-2323

Fax: (404) 658-9865

dsl@cmamlaw.com

kmm@cmamlaw.com

Attorneys for Hedges Ward Elliott, LLC

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In the matter of: : **Chapter 11**
Palm Springs II, LLC, : **Case No. 20-31972-sgj11**
Debtor. :

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2020, I have served the above and foregoing Hodges Ward Elliott, LLC's Objections to Subpoena via U.S. Mail, with adequate postage affixed, and e-mail to:

Ismail Amin
100 Crescent Court, 7th Floor
Dallas, TX 75201
iamin@talglaw.com

/s/ Derek S. Littlefield
DEREK S. LITTLEFIELD